

APPENDIX C

Amendments Effective June 24, 2007

1. Pg.46, Section 303.02 1st paragraph, Replace last sentence with the following:

A quorum of the board of zoning appeals shall be 3 members. A quorum shall be present to convene a meeting and to vote on all actions of the board.

2. Pg 125-126 Sec. 550.04 D. Driveways and Access Limits. Section shall read as follows:

1. Permits for driveways shall be obtained from the proper authority, depending upon whether it is a Township, County or State Road, prior to construction. the proper authority shall determine whether culverts or other improvements are necessary to provide safe access to the road.
2. Where lots are located below the level of the road, a driveway permit and Zoning Certificate may not be granted unless the applicant provides the Zoning Inspector or Board of Zoning Appeals with satisfactory methods that will be utilized to improve the property to provide safe access to and from the road right-of-way to the property
3. There shall be a maximum of two driveway entrances/exits per developed lot.
4. On lots having less than 100 feet of frontage, only 1 access driveway will be permitted.
5. There shall be a minimum distance of 50 feet between proposed and existing driveways on public roads.
6. No driveway centerline shall be located closer than 100 feet from the intersection of any two roadways.
7. Uses proposing to share driveways to minimize curb cuts and impervious surfaces shall submit a driveway maintenance agreement for review and approval with the application for a zoning certificate or conditional use certificate and which, when approved, shall also be filed with the deed(s) for each lot involved.

3. Pg. 121 Sec. 545.04 D Shall read as follows:

1. The number of driveways accessing off-site public streets shall be kept to a minimum
2. Permits for driveways shall be obtained from the proper authority, depending upon whether it is a township, county or state road, prior to construction. the proper authority shall determine whether culverts or other improvements are necessary to provide safe access to the road.
3. Where lots are located below the level of the road, a driveway permit and zoning

certificate may not be granted unless the applicant provides the Zoning Inspector or Board of Zoning Appeals with satisfactory methods that will be utilized to improve the property to provide safe access to and from the road right-of-way to the property.

4. The appropriate use of common driveways for no more than 2 dwelling units is encouraged. Use of a common drive for more than two dwelling units shall follow the minor lane development requirements. Where lots will access an off site public street, common driveways shall be used where appropriate to minimize the number of curb cuts required.
5. Minimum common driveway width is 12 feet.
6. Paving shall be required in areas where driveway grade is in excess of six percent. Paving shall include any turnout areas.
7. Maximum length of a common driveway is 1000 feet.
8. Driveways, including turnouts, and in excess of 500 feet shall provide a 10' X 30' turnout, which shall be maintained with gravel, crushed limestone or other similar material. The exact location of the turnout shall be determined by the Township plan review authority with the review of the fire department.
9. All lots using common driveways shall provide a driveway maintenance agreement to be reviewed and approved as part of the application review and shall be filed with the deed.

4. Pg. 120 Section 545.03F, add language: Landscape plan must be submitted to show screening will exist and must be approved by Zoning Inspector within one year.

Section shall read as follows:

F. Minimum Setbacks

a. Front Yard: 150 feet

This front yard depth may be reduced to no less than 60 feet from the road right of way if there is natural tree/shrub screening existing or planted within the front setback area. The screening shall be sufficient to minimize the visual impact of the structures on the site.

To receive approval for this reduction from the front yard setback requirement for permitted uses, a landscaping plan shall be submitted with the application for a zoning certificate with other items required in section 400.02. such plan shall show how the applicant will minimize visual impacts through existing/and or new plantings. New plantings or combination of new and existing plantings must be planted as specified on the plan within one year of issuance of the zoning certificate and will be inspected by the zoning inspector for compliance.

The Township Zoning Inspector (for permitted uses) or the Board of Zoning Appeals for conditionally permitted uses shall give consideration to views, sight lines, significant vegetation, special features such as stone walls, large trees when allowing for a reduction in the front setback

5. Pg. 124, Section 550.03 A, Density in the R-2 District

This section shall read:

A. Maximum Density:

1. With no transferable development rights certificate: 1 dwelling unit/ .5 acres. (2 dwelling units per acre.
2. With transferable development rights certificate from designated sending area:

6. Pg. 169#2 standards, a.1. Replace "The full length of parcel" with "the full length of the flag lot."

Section 601 R.2.a.1. Flag Lot Standards, Rural Districts Standards

This section shall read:

1. The strip of land providing access to the buildable portion of the lot must be at least 60 feet in width, the full length of the flag lot. The Board of Zoning Appeals may require an increased width where nessessary to accommodate drainage, utility, embankments or other constraining factors.

7. Pg. 122 Section 540.04 General Rural Residential District Design Standards, I. Lighting # 4 should be #1 and #1 should be #4, also # 2 bold type.

This section shall read:

I. Lighting

1. Lighting shall comply with the lighting standards of Section 711.02.
2. **Lighting shall not directly shine, nor cast a glare on to nor illuminate adjacent properties.**
3. Where street lighting is required, its location and intensity shall be subject to the Zoning Commission (PD Conservation Development) or the BZA (conditionally permitted uses) review and approval.
4. Lighting shall be provided only where site-specific safety conditions warrant.

8. Pg. 112 Section 530 A-1 District is changed to an Overlay District and an administrative mechanism to allow land owners to apply for A-1 District is inserted.

This section shall read:

SECTION 530 A-1 AGRICULTURE OVERLAY DISTRICT

Note: This District is Voluntary and may be requested for application to agricultural lands by land owner(s).

Section 530.01 Purpose

The purposes of the A-1 Agriculture District are to:

- A. Implement the goals, policies and strategies of the Randolph Township Land Use Plan to the extent possible that emphasizes protection of agricultural lands and promotion of the agriculture industry as an important component of the local economic base.
- B. To protect and promote the continuation and expansion of farming in areas with prime soils (Class I, II, and III), and to promote the continuation of farming where it is already established for future food production.

- C. To define, secure and protect a critical mass of farmland in Randolph to encourage the continuation of crop and livestock production and also to enable farm support businesses to remain profitable.
- D. To separate agricultural land uses and activities from incompatible residential, commercial, and industrial development, and public facilities.
- E. To permit and encourage primarily, agricultural land uses and associated activities, as well as uses incidental to agriculture which serve to enhance the continued economic viability of the farm.
- F. To promote adequate and efficient provision of public services by preventing unplanned urban growth in areas more appropriate for agriculture.
- G. To preserve historic, scenic and other farming related values which help to define the character of Randolph Township culture and landscape.
- H. To allow landowners a reasonable return on the value of their farm holdings while protecting the majority of existing farmland base for use by future generations.

Section 530.01.1 Procedure for A-1 Zoning District Application

The A-1 Zoning District is an overlay district over the R-C and R-1 zoning districts in Randolph Township. Landowners whose parcel(s) of land are enrolled in the Portage County Auditors Current Agricultural Use Value (CAUV) Program and meet the requirements of Section 530 may file an application for A-1 Amendment for their parcel(s). Once an application is determined by the Zoning Inspector to meet the requirements of this district, and Zoning Inspector approves said application, the Zoning District Map shall be amended for the approved parcel(s) to A-1 Classification. To determine eligibility, at a minimum, the parcel(s) must meet the minimum area requirements of Section 530.04 B, Section 530.06 and 530.09 as applicable. Once rezoned to A-1, the requirements of this section shall apply. The Zoning Inspector may require such maps and information necessary to determine eligibility for rezoning to A-1. Once zoned to A-1 Zoning District, any listed conditionally permitted uses proposed by the landowner will require Board of Zoning Appeals approval.

Section 530.02 Use Regulations

A. Permitted Uses

1. All agricultural uses and accessory farm structures.
2. Farm dwellings.
3. Non-farm dwellings as specified in this section.
4. Forestry uses, including saw mills.
5. Wineries if located on land used for viticulture.
6. Production nurseries and production greenhouses.
7. Fish hatcheries/fish farms.
8. Wildlife refuge, nature preserves.
9. Environmental/farm education facilities.
10. Accessory structures/uses incidental to the principal permitted use: *(Also see Schedule 705.01)*
 - a. Roadside stands-See Section 745
 - b. Garages-See section 705
 - c. Signs as regulated by Chapter 9.
11. Non-commercial recreational uses (family pools, tennis courts, etc.) Also see Chapter 7 regarding pools.
12. Home based business Tier 1

B. Conditionally Permitted Uses

The following uses may be conditionally permitted. See Specific Conditions in Section 605. No use shall force a significant change in, nor significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

1. Home based business-Tier 2.
2. Bed and Breakfast Inns.
3. Family day care type B (6 or less children or adults).
4. Accessory dwelling units (granny flats).
5. Animal hospitals, veterinary facilities, kennels.
6. Horse boarding stables and or riding schools.
7. Conversion of single family dwelling to two family dwelling units.
8. Wireless telecommunication facilities.
9. Extractive industry uses (Mining).
10. Farm related businesses conducted outside the home.
11. Agritourism uses.
12. Restaurants promoting and utilizing locally produced products.
13. Signs associated with the conditionally permitted use in accordance with Chapter 9.
14. Accessory structures/uses incidental to the principal conditionally permitted use. (Also See Schedule 705.01)

Section 530.03 Incompatible Uses

Uses not specifically permitted under sections 530.02 are not permitted in the agricultural zone. In general, uses and activities that induce non-farm development, generate large amounts of traffic, require substantial parking, or could pose a threat to agricultural water supplies are inconsistent with the purposes of the A-1 Agriculture District.

Section 530.04 Area Requirements And Limits On Subdivisions/Divisions Of Parent Tracts

A. Limitations on Subdividing/Dividing of Parent Tracts

1. In order to protect agricultural uses within the A-1 District, it is the intent of this provision that the creation of non-farm lots and the subdivision of farm parcels from parent tracts shall be limited, in order to provide for the retention of tracts of sufficient size to reasonably be used for agricultural purposes.
2. Parent tracts of land may be subdivided/divided into one or more farm parcels and/or non-farm lots according to the following standard:

Size of Tract	New Lots	Remainder	Total
Less than 10 Acres	0	1	1
10.1 to 20 Acres	1	1	2
20.1 to 40 Acres	2	1	3
40.1 to 80 Acres	3	1	4
80.1 to 120 Acres	4	1	5
Over 120 Acres	1 additional lot per 40 acres		

3. A single family detached dwelling may be erected on any single undeveloped lot of record (parent tract or original tract) as of the effective date of this Resolution, notwithstanding the limitations of Section 530.04 B.2. Such lot must be a parent tract in single ownership and not contiguous with other tracts in the same ownership. The parent tract must meet applicable requirements for minimum lot size and any buildings erected on the lot must meet yard setback, lot coverage and height regulations.

4. The provisions of this section shall apply to all parent tracts as of the effective date of this Resolution. Regardless of size, no parcel or lot subsequently subdivided from its parent tract shall qualify for additional single-family detached dwelling or lots pursuant to this section. All subsequent owners of parcels of land subdivided from a parent tract shall be bound by the actions of the previous owners of the parent tract. Any subdivision or land development plan hereafter filed for a parent tract in the A-1 Agricultural Zoning District shall specify which lot or lots shall carry with them the right to erect or place thereon any unused quota of single-family detached dwelling or farm parcels as determined and limited by the provisions of this section.
5. In any event a tract of land not originally classified as part of the A-1 District on the effective date of this Resolution is hereafter classified as part of the A-1 Zoning District, the size and ownership of such a tract of land and its classification as a parent tract shall be determined as of the effective date of the change in the zoning classification to A-1 Agricultural District.

B. Minimum Area

1. Except when conducted as an accessory to a residential use of a non-farm lot, agricultural uses shall require a minimum area of ten (10) acres, and no farm parcel shall be subdivided from a parent tract unless it shall meet the minimum area requirement for agricultural uses.
2. A non-farm lot subdivided from a parent tract shall have a maximum of two (2) acres or the minimum required by the Portage County Health Department to meet on site sewage disposal requirements.
3. Total non-farm development/use may not exceed 15% of the farm in area.

Section 530.05 Calculation of Transferable Development Rights

This section reserved for future use when TDR legislation developed and adopted.

Section 530.06 Yard, Coverage and Height Requirements

A. Minimum Lot Width and Frontage

1. All non-farm lots shall have a minimum width and frontage of 125 feet.
2. Non-farm lots on cul-de-sacs shall have a minimum frontage of 60 feet.
3. Farm parcels shall have a minimum width and frontage of 60 feet.

B. Minimum Front, Rear and Side Yard Setbacks

1. All structures located on non-farm lots shall have minimum setbacks as follows:

- a. *Front:* 100 feet

If part of a cluster of non-farm development, then the setback may be reduced to no less than 50 feet.

This setback may also be reduced to no less than 50 feet from the road right of way if there is natural tree/shrub screening existing or planted within the front setback area. The screening shall be sufficient to minimize the visual impact of the structures on the site.

- b. *Rear:* 30 feet

- c. *Side:* 25 feet (each side)

2. All structures located on farm parcels including any new farm dwelling shall have setbacks as follows:

- a. *Front:* 100 feet

- b. *Rear:* 50 feet

- c. *Side:* 50 feet

3. No new slaughtering areas, areas for storage or processing of manure or spent mushroom compost, structures for the cultivation of mushrooms or the raising of livestock shall be permitted within 200 feet of an existing residence on an adjacent property.

C. Maximum Impervious Surface Area

The total impervious lot coverage, including both buildings and other impervious surfaces of a non-farm lot shall not be more than twenty (20%); the total lot coverage of a farm parcel shall not be more than ten (10%).

D. Maximum Height

1. The maximum height of a residential building and residential accessory building shall be thirty-five (35) feet.

2. The maximum height of all buildings serving agricultural uses of the property shall be seventy-five (75) feet, excluding silos and windmills, which shall, however be setback a distance at least equal to their height from all property lines and dwelling units.

E. Vegetation Setback Requirements

On any separate non-farm parcel, no shrub or tree shall be planted within twenty (20) feet if it is 10 feet in height or less, or thirty (30) feet if it is greater than 10 feet in height, of any land used for agricultural purposes.

Section 530.07 Required Conservation Plan

Any agricultural use that involves earthmoving activities or commercial harvesting of trees shall require the review and approval of a conservation plan by the Portage County Soil and Water Conservation District Office. All on-site activities shall be in compliance with the approved conservation plan.

Section 530.08 Agricultural Nuisance Disclaimer

Lands within the A-1 Agricultural District are used for commercial agricultural production. Owners, residents, and other users of this property may be subject to inconvenience, discomfort, and the possibility of injury to property and health or even death arising from normal and accepted agricultural practices and operations, including, but not limited to, noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, herbicides, and pesticides. Owners, residents, and users of this property should be prepared to accept these conditions and are hereby put on official notice that the Ohio Right to Farm Law (Ohio Revised Code, Chapter 929) may prevent them from obtaining a legal judgement against such normal agricultural operations.

Section 530.09 Supplementary Regulations

A. Dwellings on Non-Farm Lots

1. The dwelling must be situated on the portion of the lot that separates it as much as possible from adjacent farming, including minimizing the length of property lines shared by the residential lot and adjoining farms.
2. All non-farm development shall be located on the least productive soils for agriculture and in areas that will cause the least interference with farming operations. A soils map with the non-farm development areas drawn to scale on said map shall be submitted with the application for a zoning certificate and it shall also be accompanied by the relevant Agricultural Capability Ratings from the Portage County Soil Survey.

3. The dwelling must be situated on the smallest area practical to satisfy the requirements of this Resolution and on-site sewage disposal regulations.
4. Owners must cluster the non-farm dwellings to the maximum extent possible.

B. Non-Farm Development-General Site Development Standards

1. Structures shall not be placed in open fields unless there is no other location for placement.
2. Residences shall be located adjacent to tree lines and wooded field edges where feasible.
3. Stone rows and tree lines should be preserved.
4. Existing agriculture structures such as barns and silos should be preserved where feasible.
5. Disturbance for construction of improvements shall be kept to a minimum.
6. Roads/drives should follow existing contours.
7. Existing farm roads should be incorporated into any subdivision design.
8. Dwellings shall not be placed on hilltops, but just below the ridgeline.

C. Agricultural Practices/Public Health and Safety

Only agricultural uses and practices that are not normal and accepted agricultural practices, activities, and operations, and that become detrimental to any persons, property or the general welfare of the community by excessive noise, smoke, dust, odors, erosion, or pollution, shall be deemed a nuisance and a violation of this resolution.

D. Time Commitment/Sunset of A-1 Zoning Applicability

It is intended that any landowner that applies for and receives A-1 zoning classification for their property make a minimum 10-year commitment to maintain their property in this classification. At the end of the 10-year time period, the zoning classification will revert to the surrounding zoning classification unless any of the following conditions exist:

1. The landowner has put an agricultural or conservation easement on their property.
2. The landowner has sold their development rights through a transfer of development rights program.
3. A viable market has developed and currently exists for transferable development rights.
4. The landowner elects to extend the A-1 Zoning for another 5 year or 10 year period.

Where there is more than one zoning classification surrounding the property at the end of the 10-year period, and the applicant does not want to maintain the land in A-1 zoning and none of the above conditions 1-3 exist, the applicant must request the zoning classification desired. The zoning commission will then process the application through the standard zoning amendment process as described in Section 403.

9. Addition to the Definitions **Section 201 Definitions**

The definitions shall read:

Composting Facility:

Any commercial or public facility at which grass, shrubbery, leaves and vegetation, and other yard wastes are processed, by aerobic degradation, into an inert conditioning agent.

Construction and Demolition Debris:

The unwanted residue resulting from the demolition or construction of any building or other structure, including, but not limited to, roofing, concrete and cinder block, plaster, lumber, structural steel, plumbing fixtures, electrical wiring, heating and ventilation equipment, windows and doors, interior finishing materials such as woodwork and cabinets, siding and sheathing and aged railroad ties. "Construction and Demolition Debris " does not include materials identified or listed as solid wastes or hazardous waste pursuant to Ohio Revised Code Chapter 3734.

Construction and Demolition Debris Collection/Disposal Facility:

Any commercial or public facility at which construction and demolition debris is permitted to be buried on premises or stored for a period of less than two years for recycling into a usable construction material.

Hazardous Waste:

Any waste or combination of wastes in solid, liquid, semisolid, or contained gaseous form that in the determination of the Director of Environmental Protection and the Portage County Office of Home Land Security, because of its quantity, concentration, or physical or chemical characteristics, may do either of the following:

- (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness;
- (2) Pose a substantial present or potential hazard to human health or safety or to the environment when improperly stored, treated, transported, disposed of, or otherwise managed.

"Hazardous waste" includes any substance identified by regulation as hazardous waste under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, and does not include any substance that is subject to the "Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as amended.

Infectious Waste:

Any substance that possesses the properties and characteristics as defined in Ohio Revised Code section 3734.01.

Landfill:

A disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day.

Landscape Waste or Yard Waste:

Such materials as grass clippings, leaves, herbaceous waste, branches, shrub trimmings and other plant waste that is generated as a result of gardening, landscaping, or similar activities.

"Landscape Waste" is considered to be a form of solid waste under Section 3745, Ohio Administrative Code.

Solid Wastes:

Any such unwanted residual solid or semisolid material as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that normally would be included in demolition debris, nontoxic fly ash and bottom ash, including at least ash that results from the combustion of coal and ash that results from the combustion of coal in combination with scrap tires where scrap tires comprise not more than fifty per cent of heat input in any month, spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt, and debris. "Solid wastes" does not include any material that is an infectious waste or a hazardous waste.

White Goods:

Any residential and commercial appliances that are composed primarily of steel and other metals, including refrigeration equipment, laundry equipment, ranges, furnaces, heating equipment, and water heating devices.

10. Pg. 213, Add Section 715 to the General Provisions Chapter of the Resolution Non-commercial land filling to change grade and/or elevation of property:

Section shall read:

Section 715 Non-commercial land filling to change grade and/or elevation of property

The use of material onto a lot or parcel in order to change the grade and/or elevation of the property may be permitted in compliance with the following requirements:

1. Under no circumstances shall land filling be permitted on hydric soils.
2. A Zoning Certificate is required for all projects in which the quantity of the material used exceeds three hundred (300) cubic yards or raises the existing natural grade by more than twelve (12) inches over an area encompassing more than ten (10) percent of the total lot or parcel.
3. The use of the fill material shall not cause surface water to collect or to run off onto adjoining lands contrary to normal and natural drainage patterns.
4. The use of fill material shall not result in off-site dust, grime, fumes, or odors above the levels existing prior to the filling operation.
5. The use of fill material shall be properly compacted to ensure a stable surface and to prevent irregular settling and/or to reduce the stability, or bearing capacity, of soils on adjoining properties.
6. The use of fill material shall not degrade groundwater quality, nor result in negative impacts on groundwater quality.
7. The use of fill material shall not result in a reduction of light and air to the adjoining properties.
8. The applicant shall provide proof that the fill material being used is not considered a hazardous, infectious or solid waste, and complies with all applicable county, state and federal agencies as acceptable fill material.
9. The property owner is not permitted to charge a fee for any fill material being used on the site.
10. The use shall not amount to or represent itself to be in any form or fashion a Landfill, Construction and Demolition Debris Collection/Disposal Facility, Composting Facility or similar facility.